

# **DECLARATION AND POWER OF ATTORNEY**

(Attorney Docket No: 108236.136 (US5))

As below-named inventor, I hereby declare that:

**BEST AVAILABLE CELL**

My residence, post office address and citizenship are as stated below next to my name.

I believe that I am the original, and only inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled:

## **COMPOSITION AND METHOD FOR PRESERVING PROGENITOR CELLS**

the specification of which (check only one):

☐ is attached hereto.

☒ was filed as United States Patent Application  
Serial No. 10/737,180 on December 15, 2003

☐ was filed as PCT Patent Application Serial No. \_\_\_\_\_ on \_\_\_\_\_  
and was amended under PCT Article 19 on \_\_\_\_\_ (if applicable)

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the patentability of the claims of this application in accordance with Title 37, CFR §1.56(a) and §1.56(b).

I hereby claim foreign priority benefits under Title 35, United States Code, §119(a)-(e) or 365(b) of any foreign application(s) for patent or inventor's certificate or 365(a) of any PCT international application(s) designating at least one country other than the United States of America listed below and have also identified below any foreign application(s) for patent or inventor's certificate or any PCT international application(s) designating at least one country other than the United States of America filed by us on the same subject matter having a filing date before that of the application(s) of which priority is claimed:

### **PRIOR FOREIGN/PCT APPLICATION(S) AND ANY PRIORITY CLAIMS UNDER 35 U.S.C. §119(a)-(d) or 365(b), or 365(a):**

<b>COUNTRY (if PCT indicate PCT)</b>	<b>APPLICATION NUMBER</b>	<b>DATE OF FILING</b>	<b>PRIORITY CLAIMED UNDER 35 U.S.C. §119 (YES/NO)</b>

MOORE, Jeffrey G.  
U.S.S.N. 10/737,180

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I hereby claim benefit under 35 U.S.C. §119(e) of any United States provisional application(s) listed below:

APPLICATION NUMBER	DATE OF FILING	STATUS: PENDING OR ABANDONED

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) or 365(c) of any PCT international application(s) designating the United States of America that is/are listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in that/those prior application(s) in the manner provided by the first paragraph of Title 35, United States Code, §112, we acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56 which occurred between the filing date of the prior applications and the national or PCT international filing date of this application:

**PRIOR U.S. APPLICATION OR PCT INTERNATIONAL APPLICATION(S)  
DESIGNATING THE U.S. FOR BENEFIT UNDER 35 U.S.C. §120 or 365(c):**

APPLICATION NUMBER	DATE OF FILING (day, month, year)	STATUS: (PATENTED, PENDING OR ABANDONED)
09/934,251	21 August 2001	ABANDONED
09/368,607	5 August 1999	PATENTED
08/825,369	28 March 1997	PATENTED
08/762,537	9 December 1996	ABANDONED

**POWER OF ATTORNEY:** As named inventor, I hereby appoint the following attorneys and/or agents to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

**CUSTOMER NUMBER 23483**

the mailing address and telephone number of each of whom is c/o HALE AND DORR LLP, 60 State Street, Boston, Massachusetts 02109 U.S.A., (617) 526-6000.

Send Correspondence to:

Michael J. Twomey  
HALE AND DORR LLP  
60 State Street  
Boston, Massachusetts 02109

Direct Telephone Calls to:

Michael J. Twomey  
(617) 526-6190 Phone  
(617) 526-5000 Facsimile

Wherefore, I petition that letters patent be granted to me for the invention or discovery described and claimed in the attached specification and claims, and hereby subscribe my name to said specification and claims and to the foregoing declaration, power of attorney, and this petition.

MOORE, Jeffrey G.  
U.S.S.N. 10/737,180

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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

**Full name of sole inventor: Jeffrey G. Moore**

Inventor's signature

Citizenship:

Residence:

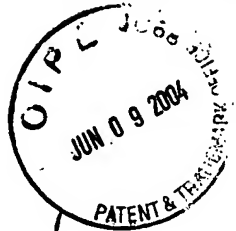
Post Office Address: Same

 United States of America

7 Pearl Street, Kennebunkport, Maine 04046

Date

6/4/04



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ASSIGNMENT

**COPY**

WHEREAS, I, **Jeffery G. Moore**, being a citizen of the United States, residing at 7 Pearl Street, P.O. Box 18, Kennebunkport, Maine 04046, am the sole inventor of certain new and useful inventions and discoveries, for which I have made an application for Letters Patent entitled "**Composition and Method for Preserving Progenitor Cells**," also identified as Attorney Docket Number 108236.136, the specification of which was filed with the United States Patent and Trademark Office on December 15, 2003, and assigned Serial Number 10/737,180; and

WHEREAS, **ImClone Systems, Incorporated**, a Delaware corporation whose business address is 180 Varick Street, New York, NY 10014, and which, together with its successors and assigns is hereinafter called "**ASSIGNEE**," is desirous of acquiring the title, rights, benefits, and privileges hereinafter recited;

NOW, THEREFORE, for and in consideration of good and valuable consideration furnished by **ASSIGNEE** to me, receipt and sufficiency of which I hereby acknowledge, I hereby, without reservations:

1. Assign, transfer, and convey to **ASSIGNEE** the entire right, title, and interest in and to said inventions and discoveries, said application for Letters Patent, any and all other applications for Letters Patent on said inventions and discoveries in whatsoever countries, including all divisional, renewal, substitute, continuation, continuation-in-part, and convention applications based in whole, or in part, upon said inventions or discoveries, or upon said applications, and any and all Letters Patents, reissues, and extensions of Letters Patent granted for said inventions and discoveries or upon said applications, and every priority right that is or may be predicated upon, or arise from, said inventions, said discoveries, said applications, and said Letters Patent;
2. Authorize **ASSIGNEE** to file patent applications in any or all countries on any or all of said inventions and discoveries in my name or in the name of **ASSIGNEE** or otherwise as **ASSIGNEE** may deem advisable, under International Conventions or otherwise;
3. Authorize and request the Commissioner of Patents and Trademarks of the United States of America and the empowered officials of all other governments throughout the world to issue or transfer all said Letters Patents to **ASSIGNEE**, as assignee of the entire right, title, and interest therein or otherwise as **ASSIGNEE** may direct;
4. Warrant that I have not knowingly conveyed to others any right in said inventions, discoveries, applications, or patents, or any license to use the same, or to make, use, or sell

U.S.S.N. 10/737,180

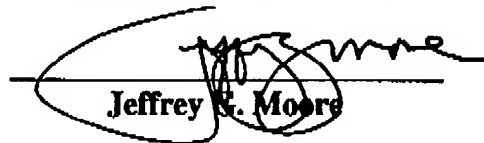
Jeffrey G. Moore

**BEST AVAILABLE COPY**

anything embodying or utilizing any of said inventions or discoveries; and that I have good right to assign the same to ASSIGNEE without encumbrance;

5. Bind my heirs, legal representatives, and assigns, as well as myself, to do, upon ASSIGNEE's request and at ASSIGNEE's expense, but without additional consideration to me or them, all acts reasonably serving to assure that said inventions and discoveries, said patent applications, and said Letters Patents shall be held and enjoyed by ASSIGNEE as fully and entirely as the same could have been held and enjoyed by me, our heirs, legal representatives, and assigns if this Assignment had not been made; and particularly to execute and deliver to ASSIGNEE all lawful application documents including petitions, specifications, and oaths, and all assignments, disclaimers, and lawful affidavits in form and substance as may be requested by ASSIGNEE; and to communicate to ASSIGNEE all facts known to me relating to said inventions and discoveries or the history thereof, and to testify as to the same in any court or proceeding; and to furnish ASSIGNEE any and all documents, photographs, models, samples, and other physical exhibits in my control or in the control of my heirs, legal representatives, or assigns which may be useful for establishing the facts of my conceptions, disclosures, and reduction to practice of said inventions and discoveries.

IN TESTIMONY WHEREOF, I have hereunto set my hand and seal.

DATE: 6/4/04  
Jeffrey G. Moore

Then personally appeared before me this \_\_\_\_\_ day of \_\_\_\_\_, 2004, the above named Jeffrey G. Moore who acknowledged the forgoing instrument to be his free act and deed.

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Notary Public

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Commission Expiration Date